

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2006**

No. 40

Introduced by Council Members McMahon, Brewer, Fidler, Gerson, James, Liu, Mendez, Stewart, Mark-Viverito, Foster Gennaro, Seabrook, Lappin, Jackson, Sears, Recchia, Comrie and Weprin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to composting yard waste.

Be it enacted by the Council as follows:

Section 1. Section 16-308 of the administrative code of the city of New York is amended by adding new subdivisions g and h to read as follows:

g. Generators of yard waste, except those identified in subdivision h of this section, shall separate, tie, bundle, or place into paper bags, or rigid containers, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision b of this section. The commissioner shall notify all residents in districts that receive yard waste collection by the department of such pre-collection procedures, and undertake any other action necessary to effectuate the purposes of this subdivision.

h. No person engaged in a business that generates yard waste, shall leave such yard waste for collection by the department, or disperse such yard waste in or about the curb or street. Any person engaged in a business that generates yard waste shall be required to collect and dispose of such yard waste at a permitted composting facility; provided, however, that if the department, by written order of the commissioner, determines that there is insufficient capacity at permitted composting facilities within the city of New York or within ten miles of the borough in

which any such person generates yard waste, then such yard waste may be disposed of at any appropriately permitted solid waste management facility.

§2. Subdivision a of section 16-324 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

a. Any person who violates this chapter, *except subdivision h of section 16-308 of this chapter*, or any rule or regulation promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board in an amount of twenty-five dollars for the first violation, fifty dollars for the second violation and one hundred dollars for the third and each subsequent violation, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. A person committing a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of five hundred dollars for each violation. For a persistent violation only, except where such violation occurs at a building of less than nine dwelling units, each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the regulations promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period. Before issuing any further notice of violations to a persistent violator after the fourth violation within a period of six months, the commissioner shall give such violator a reasonable opportunity to correct the condition constituting the violation. *Any person who violates subdivision h of section 16-308 of this chapter shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation within a period of twelve months from the first violation, and two thousand five hundred dollars for the third or subsequent violation within a period of twelve months from the first violation.*

§3. This local law shall take effect immediately, except that subdivision g of section 16-308 of the administrative code of the city of New York, as added by section one of this local law, shall take effect on April 1, 2007, and subdivision h of section 16-308 of the administrative code

of the city of New York, as added by section one of this local law, shall take effect on October 1, 2008.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 11, 2006 and approved by the Mayor on October 17, 2006.

Victor L. Robles, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 40 of 2006, Council Int. No. 431-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on October 11, 2006: 47 For, 0 Against, 0 Not Voting

Was signed by the Mayor on October 17, 2006.

Was returned to the City Clerk on October 17, 2006.

Jeffrey D. Friedlander, Acting Corporation Council.